

Message Text

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ACTION EB-07

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FM AMEMBASSY PRAGUE

TO SECSTATE WASHDC PRIORITY 2597

INFO AMEMBASSY DAMASCUS

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E.O. 11652: NA

TAGS: EAIR, CZ, US

SUBJECT: CONTINUING DISAGREEMENT ON CIVAIR BILATERAL EXTENSION

REFS A. STATE 097470, B. PRAGUE 1086, C. STATE 093839,
D. PRAGUE 1055, E. PRAGUE 1025, F. PRAGUE 0561

1. SUMMARY: EMBASSY CONVEYS USG RESPONSE TO ZEMLA'S APRIL 21 COMMENTS ON OUCZSARCH 3 DRAFT NOTE. ZEMLA SEEMED PLEASED EXCEPT FOR U.S. REQUEST FOR INTERIM PRAGUE-DAMASCUS TRAFFIC RIGHTS AND REITERATION OF U.S. REQUEST FOR 60-DAY TERMINATION CLAUSE. LATTER POINT PROVOKED HEATED COMMENTS FROM ZEMLA, WHO SAID GOC CANNOT ACCEPT THIS "NEW ELEMENT" AND IMPORED U.S. TO DROP REQUEST. ZAMLA AGRDVD TO GIVE US OFFICIAL GOC RESPONSE ON LATEST USG POSITION BUT ASKED FOR U.S. REACTION TO "INFORMAL" SUGGESTION THAT WE POSTPONE EXTENSION AND HOLD ARTICLE XI CONSULTATIONS INSTEAD. COMMENT: EMBASSY STILL BELIEVES GOC WILL ACCEPT 60-DAY TERMINATION BUT DELAY MAY BE LENGTHY. ACTION REQUESTED: USG REACTION TO ZEMLA'S "INFORMAL" SUGGESTION.

2. DRAWING UPON SUBSTANCE OF REFS A AND C, E/C COUNSELOR ON MAY 3 GAVE ZEMLA, DEPUTY HEAD OF MFA'S INTERNATIONAL LAW DEPT, LIMITED OFFICIAL USE

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USG RESPONSE TO FIVE POINTS HE RAISED APRIL 21 (REF E) RE OUR DRAFT NOTE OF MARCH 3 CONCERNING EXTENSION OF BILATERAL AIR TRANSPORT AGREEMENT (ATA).

3. ZEMLA RECEIVED WITH APPARENT SATISFACTION NEWS OF:
(A) REAFFIRMED U.S. ACCEPTANCE OF TWO YEAR QUOTA FOR INTERLINE SALES OF TWO MILLION DOLLARS PLUS AMOUNT BY WHICH ACTUAL

1976 SALES BY CSA ARE LESS THAN 891,400 DOLLARS (REF C, PARA 1, AND REF E, PARA 3A); AND (B) OUR ORAL ASSURANCES THAT USG WOULD AGREE TO DISCUSS SALES QUOTA IN CASE OF "SUBSTANTIAL CHANGE IN CIRCUMSTANCES," ALTHOUGH U.S. DOES NOT AGREE THAT MZNOTA SHOULD BE CHANGED IF FUTURE SITUATION IS NOT SAME AS PRESENT OR THAT ONCE A WEEK PANAM SERVICE IS SUBSTANTIAL CHANGE (REF C, PARA 1). ZEMLA SEEMED UNTROUBLED BY OUR PROPOSAL TO SWAP YUGOSLAVIA FOR SYRIA TO KEEP NUMBER OF BEYOND POINTS AT SIX, ALTHOUGH HE NOTED THAT GOC EARLIER SUGGESTED LEBANON, IRAN, TURKEY OR PAKISTAN, NOT YUGOSLAVIA, AS APPROPRIATE SWAP (REF E, PARA 3C). HE AGREED TO PASS OUR SUGGESTION TO MINISTRY OF TRANSPORT AND REPORT BACK.

4. DISCUSSION HEATED UP CONSIDERABLY ON FINAL TWO POINTS (REF E, PARAS 3D AND 3E). IN REPLY TO E/C COUNSELOR'S REQUEST (REF C, PARA 3) THAT GOC "CONSIDER SYMPATHETICALLY" INDIVIDUAL REQUESTS FOR TRAFFIC RIGHTS FOR PAN AM ON PRAGUE-DAMASCUS SECTOR PENDING FORMAL EXTENSION OF ATA, ZEMLA AGAIN INSISTED (REF E, PARA 3D) THAT TRAFFIC RIGHTS WOULD HAVE TO BE PART OF FOVERALL PACKAGE (I.E., ONLY GRANTED WHEN EXTENSION FORMALLY TAKES PLACE). WHEN TOLD OF USG INSISTENCE ON RETAINING 60-DAY TERMINATION PROCEDURE (REF A, PARA 3) IN CASE 1977 SALES QUOTA IS NOT MET, AS FORMULATED PARA 3 OF DRAFT NOTE, NORMALLY MILD-MANNERED ZEMLA WENT OFF IN A 45-MINUTE TIZZY IN WHICH HE INSISTED GOC CANNOT ACCEPT THIS "NEW ELEMENT" IN 1969 ATA AND IMploRED USG TO RECONSIDER AND DROP THIS REQUEST (REF E, PARA 3E). HE REPEATED THAT ARTICLE IXV PROVIDES 6-MONTH WAIT BEFORE UNILATERAL TERMINATION OF ATA AND INSISTED THAT 60-DAY PERIOD WOULD CONSTITUTE "VIELED THREAT" AGAINST CZECHOSLOVAK SIDE AND IMPLICATION LIMITED OFFICIAL USE

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THAT USG DOES NOT THRUST CSA TO LIVE UP TO ITS COMMITMENTS. E/C COUNSELORS RESPONDED THAT USG HAD, PER ZEMLA'S APRIL 21 REQUEST. RECONSIDERED THIS POINT AND DECIDED THAT PARAGRAPH 3 OF MARCH 3 DRAFT NOTE IS NECESSARY IF U.S. IS TO REDRESS IMBALANCE OF ECONOMIC BENEFITS OF ATA WHICH HAS FAVORED CSA IN PAST. WE ALSO EMPHASIZED THAT GOC HAS HAJTOUR DRAFT NOTE FOR TWO MONTHS AND IT IS IN BEST INTEREST OF BOTH SIDES TO REACH AGREEMENT WITHOUT FURTHR DELAY.

5. AFTER ENSUING DEBATING MATCH IN WHICH NEITHER SIDE GAVE GROUND, ZEMLA ASKED "INFORMALLY" FOR USG REACTION TO POSTPONING FORMAL EXTENSION OF DTA FOR TIME BEING AND, INSTEAD, HOLDING CONSULTATIONS UNDER ARTICLE XI TO THRASH OUT ALL MATTERS OF DISAGREEMENT (AS GOC PROPOSED IN MAY, 1976). E/C COUNSELOR STATED THAT, WITH SUMMER VACATIONS NEAR AND U.S. NEGOTIATORS UNDOUBTEDLY FACING FULL SCHEDULE, SUCH A MOVE COULD PROLONG THIS MATTER INDEFINITELY TO THE DISADVANTAGE OF ALL CONCERNED. MOREOVER, BOTH SIDES AGREED IN 1976 TO EXTEND NOT RE-NEGOTIATE.

U.S. SIDE NOW WANTS GOC'S OFFICIAL RESPONSE TO OUR LATEST POSITION, WHICH ZEMLA AGREED TO OBTAIN. HOWEVER, AT ZEMLA'S INSISTENCE, E/C COUNSELOR AGREED TO QUERY WASHINGTON ON HIS "INFORMAL" QUERY. MEETING ENDED WITH E/C COUNSELOR AGAIN PRESSING ZEMLA TOY8;3 7 PROMPT "OFFICIAL" GOC REACTION TO LATEST USG POSITION (EHICH HE AGREED TO DO) AND URGING GOC TO ACT AS QUICKLY AS POSSIBLE TO WRAP THIS MATTER UP (TO WHICH ZEMLA ONLY MUTTERED THAT OUR INSISTENCE ON 60-DAY TERMINATION WOULD, AT THE LEAST, CAUSE ANOTHER THREE-MONTH DALAY FOR FEDERAL GOVERNMENT APPROVAL OF THIS "NEW ELEMENT" IN ATA).

6. COMMENT: DESPITE ZEMLA'S HINTS OF CZECHOSLOVAK INTRANSIGENCE ON 60-DAY TERMINATION CLAUSE, WE STILL BELIEVE GOC WANTS TO PRESERVE ATA AND WILL EVENTUALLY ACCEPT THIS "NEW ELEMENT" IF USG CONTINUES TO FEEL IT IS WORTH INSISTING UPON. RESULTING DELAY MAY, HOWEVER, BE ANOTHER THREE MONTHUMOR LONGER. IN THIS CASE, WE DOUBT THAT CZECHOSLOVAKS WILL GRANT PRAGUE/DAMASCUS LIMITED OFFICIAL USE

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TRAFFIC RIGHTS IN THE INTERIM ON AN INDIVIDUAL REQUEST BASIS SINCE THEY OBVIOUSLY SEE DENIAL OF THESE RIGHTS AS A WAY TO PRESSURE 7.S. END COMMENT.

7. ACTION REQUESTED: PLEASE PROVIDE USG REACTION TO ZEMLA'S "INFORMAL" SUGGESTION THAT WE SUSPEND CURRENT EFFORTS TO EXTEND ATA AND HOLD GOVERNMENTAL CONSULTATIONS UNDER ARTICLE XI INSTEAD. BYRNE

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